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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,390	04/11/2001	C. Richard Triola	CRT044UT	3769

7590   05/02/2002

Office of Eugene H. Valet
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EXAMINER
BACKER, FIRMIN

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Office Action Summary	Application No.	Applicant(s)	
		09/833,390	TRIOLA, C. RICHARD	
		Examiner	Art Unit	
		Firmin Backer	3621	

-- *The MAILING DATE of this communication app ars on the cov r sheet with the correspond nc address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*11 April 2001*</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)	
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .	6)☐ Other: .	

DETAILED ACTION

This is in response to a letter for patent filed on April 11th, 2001 in which claims 1-20 are

presented for examination. Claims 1-20 are pending in the letter.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action: .

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Oglive (U.S.

Patent No. 6,343,738).

3.   As per claims 1, 11, 17, Oglive teaches an apparatus (*a techniques*) for escrow

transactions (*escrowing*), comprising a computer based automation system (*networks, fig 11*),

having components (*1100, 1106, 1108, 1102*) providing implementation, management, and

tracking of escrow transactions, wherein data for implementing, managing, and tracking the

escrow transactions is accessible for specific parties (*seller, buyer*) to the escrow transactions

(*see abstract, summary of the invention*).

4.   As per claims 2, 12, Oglive teaches an apparatus which includes program modules

distributed between principals and parties to the escrow transactions, providing predetermined

party associated data entry and access *(see column 12 line 31-61)*.

5.   As per claims 3, 13, Oglive teaches a program modules including security measures

providing for a variety of levels for the associated data entry and access to the escrow

transactions *(see column 10 line 31-61)*.

6.   As per claims 4, Oglive teaches a client-server *(client sever)* computer system *(network)*

for escrow of property *(escrowing goods)* comprising: at least one client module *(seller)*

associated with at least one client party *(broker)* for initiating an escrow process *(escrowing)*

with at least one escrow party *(buyer)*; and at least one server module associate with the escrow

party, wherein a specific escrow account between the client party and the escrow party is

established, maintained, tracked, and consummated via the client-server computer system *(see*

abstract, summary of the invention, column 12 lines 2-29, 14 lines 36-65).

7.   As per claims 5, Oglive teaches a system comprising on-line entry and transmission of

escrow initiation, escrow instructions, escrow status tracking, and escrow consummation

between the server party and the client party *(column 12 lines 2-29, 14 lines 36-65)*..

8.   As per claims 6, Oglive teaches a system wherein at least one server module associated

with the escrow party further comprising: on-line entry and transmission of service provider data

between the server party and at least one service provider (*column 12 lines 2-29, 14 lines 36-65*).

9.   As per claims 7-10 Oglive teaches a system comprising computer code providing data

security and digital identity authentication for each party, digital tracking for tracking required

documentation and transfer of funds or other compensation transfers throughout the escrow

process and final closing of the escrow process (*column 12 lines 2-29, 14 lines 36-65*).

10.   As per claims 14, Oglive teaches a process for a computerized escrow transaction

comprising: providing escrow account, escrow status, broker status, lender status, buyer status,

seller status, and vendor status via a centralized server associated with an escrow officer; and

connecting parties to the computerized escrow transaction using multiple computer network

access devices via connectivity types which include but are not limited to wireless, satellite,

dial-up, or leased communications (*see column 13 lines 36-55 and column 12 lines 2-29, 14 lines

36-65*).

11.   As per claims 15, Oglive teaches a system for real-time or near-real-time escrow

transactions, comprising: an appropriate data, application, and transactional management

network programs and supporting network based applications for performing at least one of the

escrow services selected from a group including receiving and storing escrow instructions upon

submission by a party to the escrow transaction via a computerized communications device,

disseminating instructions to all relevant parties by computer; providing escrow documentation,

providing escrow documentation approvals; automating order specified services real-time and

near-real-time display of escrow instructions, status, and activity, on-line digital identification

authentication; transfer of ownership, closing escrow, releasing of escrow funds; and digital

transfer of escrow funds *(column 12 lines 2-29, 14 lines 36-65)*.

12.   As per claims 16, Oglive teaches a method of doing business using an internet

comprising: providing an on-line escrow account for parties to a transaction; providing on-line

transactional account management services with respect to the on-line escrow account for the

parties; and providing secure access to the on-line escrow account limited to the parties and third

parties using on-line identification authentication *(see abstract, summary of the invention,*

column 12 lines 2-29, 14 lines 36-65).

13.   As per claims 18, Oglive teaches a memory wherein the program code allowing escrow

transaction data access only for specific parties to the escrow transaction further comprises:

program code for identification authentication *(column 12 lines 2-29, 14 lines 36-65)*..

14.   As per claims 19, Oglive teaches a memory wherein the program code providing

implementation, management, tracking, and closing of specific escrow transactions further

comprises: program code for digital signatures *(see abstract, summary of the invention, column*

12 lines 2-29, 14 lines 36-65).

15.   As per claims 20, Oglive teaches a memory comprising: program code for a method of

doing business using an internet, the code including computerized processes for providing an

on-line escrow account for parties to a transaction, providing on-line transactional account

management services with respect to the on-line escrow account for the parties, and providing

secure access to the on-line escrow account limited to the parties and third parties using on-line

identification authentication (*see abstract, summary of the invention, column 12 lines 2-29, 14*
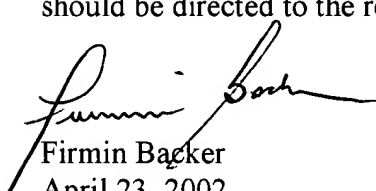
lines 36-65).

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. (*see form 892).*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The

examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammel can be reached on (703) 305-9768. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular

communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-5484.

Firmin Backer
April 23, 2002

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